

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Stephen D. HURST, et al.

Application No.: not yet known

Filed: Herewith

For: CYTOKINE USES;
COMPOSITIONS; METHODS

Examiner: not yet known

Art Unit: not yet known

Conf. No.: not yet known

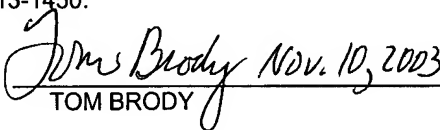
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

"Express Mailing" mailing label number EL 982 851 029 US

Date of Deposit: November 10, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

by:

 Nov. 10, 2003
TOM BRODY

INFORMATION DISCLOSURE STATEMENT

Sir:

The materials as listed in the attached Form PTO/SB/08 are brought to the Examiner's attention pursuant to the duty of disclosure under 37 C.F.R. § 1.56, § 1.97, and § 1.98. Attached please find Form PTO/SB/08 listing references AA-AU.

All references listed on the attached form PTO/SB/08 have been previously cited either by Applicants or the Examiner in the parent application, U.S. Patent Application No. 09/836,385, filing date April 17, 2001, and copies these references, and of a PCT Search Report dated December 10, 2001, should be available there. As such, these references will not be provided absent a specific request.

Citation of these documents should not be construed as a representation that the documents are in fact material or are in fact prior art with respect to the instant invention. The Examiner should not make any inference relating to the relative pertinence of cited references based upon the order in which the art is presented. Citation of these documents should not be construed as a representation that a search has been made or that more pertinent art may not be in existence.

Applicants request that the Examiner fully consider the art cited in the attached Form PTO/SB/08. Applicants further request that the Patent and Trademark Office list all such art on the front of any patent issuing from this application.

Applicants believe that no fees are due with this communication. Should this not be the case, the Commissioner is hereby authorized to debit any charges or refund any overpayments to DNAX Deposit Account No. 04-1239.

Respectfully submitted,

Date: November 10, 2003

By: Tom Brody
Tom Brody
Patent Agent
Registration No.: 46,433

Customer No. 028008
DNAX Research, Inc.
901 California Avenue
Palo Alto, CA 94304-1104
Telephone: (650) 496-6400
Facsimile No.: (650) 496-1200

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not yet known
				Filing Date	Herewith
				First Named Inventor	Stephen D. HURST
				Art Unit	Not yet known
				Examiner Name	Not yet known
Sheet	1	of	3	Attorney Docket Number	DX01088KB

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	DOCUMENT NUMBER	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant, Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	U.S. 6,562,578	05-13-2003	GORMAN, et al.	Columns 1-2, 4, 6-7, 42-43.
	AB	U.S. 2003/0008815	01-09-2003	CHEN, et al.	Columns 14, 22, 23.

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant, Passages or Relevant Figures Appear
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)			
	AC	WO 00/42188		07-20-2000	GORMAN, et al.	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	AD	ASHOK R. AMIN and STEVEN B. ABRAMSON, <u>Curr. Op. Rheumatol.</u> , 10:263-268, 1998. "The role of nitric oxide in articular cartilage breakdown in osteoarthritis"	
	AE	MARTINE CHABAUD, et al. <u>J. Immunol.</u> , 161: 409-414, 1998. "Enhancing effect of IL-17 on IL-1 Induced IL-6 and leukemia inhibitory factor production by rheumatoid arthritis synoviocytes and its regulations by Th2 Cytokines"	
	AF	FRANCOIS FOSSIEZ, et al., <u>Int. Rev. Immunol.</u> , 16(5-6):541-551, 1998. "Interleukin-17"	
	AG	MARY HITT, et al., <u>Advances in Pharmacology</u> , 40:137-206, 1997. "Human adenovirus vectors for gene transfer into mammalian cells"	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not yet known
				Filing Date	Herewith
				First Named Inventor	Stephen D. HURST
				Art Unit	Not yet known
				Examiner Name	Not yet known
Sheet	2	of	3	Attorney Docket Number	DX01088KB

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶	
	AH	NEIL W. ISAACS, <u>Curr. Op. Struct. Biol.</u> , 5:391-395, 1995. "Cystine knots"		
	AI	JACQUELINE KENNEDY, et al., <u>J. Interferon and Cytokine Research</u> , 16:611-617, 1996. "Mouse IL-17: a cytokine preferentially expressed by $\alpha\beta$ TCR ⁺ CD4 ⁺ CD8 ⁺ T Cells"		
	AJ	MEE RHAN KIM, et al., <u>Blood</u> , 100(7):2330-2340, Sept. 2002. "Transgenic overexpression of human IL-17E results in eosinophilia, B-lymphocyte hyperplasia, and altered antibody production"		
	AK	ANDREA KNAPPE, et al., <u>J. Virology</u> , 72(7):5797-5801, July 1998. "The Interleukin-17 gene of herpesvirus Saimiri"		
	AL	NEIL Q. MCDONALD and WAYNE A. HENDRICKSON, <u>Cell</u> , 73:421-424, May 7, 1993. "A structural superfamily of growth factors containing a cystine knot motif"		
	AM	G. PAN, et al., <u>J. Immunol.</u> , 167(11):6559-6567, 2001. "Forced expression of murine IL-17E induces growth, retardation, jaundice, a TH2-biased response, and multiorgan inflammation in mice"		
	AN	ERIC ROUVIER, et al., <u>J. Immunol.</u> , 150(12):5445-5456, June 15, 1993. "CTLA-8, cloned from an activated T cell, bearing AU-Rich messenger RNA instability sequences, and homologous to a herpesvirus Saimiri gene"		
	AO	HENG-FONG SEOW, <u>Vet. Immunol. Immunopath.</u> , 63:139-148, 1998. "Pathogen interactions with cytokines and host defence: an overview"		
	AP	TALI SHALOM-BARAK, et al., <u>J. Biol. Chem.</u> , 273 (42): 27467-27473, October 16, 1998. "Interleukin-17-induced gene expression in articular chondrocytes is associated with activation of mitogen-activated protein kinases and NF-kB"		
	AQ	PETER D. SUN and DAVID R. DAVIES, <u>Annu. Rev. Biophys. Biomol. Struct.</u> , 24:269-291, 1995. "The cystine-knot growth-Factor superfamily"		
	AR	MARCEL TEUNNISON, et. al., <u>J. Invest. Dermatol.</u> , 111:645-649, 1998. "Interleukin-17 and Interferon- γ synergize in the enhancement of proinflammatory cytokine production by human keratinocytes"		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Completeness if Known	
				Application Number	Not yet known
				Filing Date	Herewith
				First Named Inventor	Stephen D. HURST
				Art Unit	Not yet known
				Examiner Name	Not yet known
Sheet	3	of	3	Attorney Docket Number	DX01088KB

	AS	CEES VAN KOOTEN, et al., <u>J. Am. Soc. Nephrol.</u> , 9:1526-1534, 1998. "Interleukin-17 Activates Human Renal Epithelial Cells in Vitro and Is Expressed during Renal Allograft Rejection"	
	AT	ZHENGGBIN YAO, et al., <u>Immunity</u> , 3:811-821, December 1995. "Herpesvirus Saimiri encodes a new cytokine, IL-17, which binds to a novel cytokine receptor"	
	AU	ZHENGGBIN YAO, et al., <u>J. Immunol.</u> , 155:5483-5486, 1995. "Human IL-17: a novel cytokine derived from T cells"	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2